



Jail as a LAST Resort

Occasionally, Otsego County receives criticism that the county does and/or wants to use jail as a first approach by locking up individuals for lower level offenses, probation violations and failure to appears.

However, Otsego County's Judicial system does and HAS used jail as a last resort. The following demonstrates typical court procedures/processes:

Pretrial Services- Otsego County has a robust pretrial program. Every incarcerated individual is evaluated for pretrial release. Misdemeanants have their criminal background reviewed, current charge evaluated and bond set, if considered a threat to public safety or flight risk. It is estimated that 90% of misdemeanor incarcerated individuals are released on personal recognizance bond.

All felony inmates are screened after arrest, and if they qualify (are non-violent, not a risk to public safety and/or not a flight risk), are released and monitored by a local community corrections program until initial court appearance. This monitoring includes daily reporting, drug testing and monitoring of any bond conditions.

Best Practices- Otsego County currently utilizes most of the recommended best practices, and have been doing so for years.

- Issuing [citations in lieu of arrest](#)- The Prosecuting attorney has directed law enforcement to issue citations in lieu of arrest on several charges.
- Using [non-carceral sanctions for violations](#) of probation or drug court conditions- All initial probation violations are ordered to the Otsego County Sheriff's Work Camp Program. Jail is rarely ordered for drug court violations. While violations are anticipated with this population, depending on the severity of violation, there are various sanctions, from writing an essay to community service, that are imposed prior to a jail sentence. If jail is determined to be the most effective sanction for a particular violation, it is very short, typically 1-3 days.
- Sentencing to an alternative-to-incarceration program, such as the drug court or the Sheriff's day reporting "work camp"- All

individuals put on probation are sentenced to the Otsego County Sheriff's Work Camp in lieu of jail. All misdemeanants sentenced to jail are eligible to participate in the Work Camp with approval of the Sheriff. The Otsego County Sheriff's Work Camp is utilized for non-jail sanctions for probation violations. Jail is typically only ordered if the probationer has not completed work camp within the time that it



was ordered. Substance use and/or abuse cases are screened for the drug court program. If the individual meets the criteria for the program, they are referred for evaluation. For habitual offenders and/or severe crimes, individuals are referred for an assessment prior to sentencing.

- Avoiding the [misuse of the jail](#) to lock people up for mental health or substance use disorders- When mental health issues are apparent, defendants are referred to Community Mental Health for evaluation. If it is determined the individual needs psychological services, they are ordered to mental health treatment and/or hospitalization. If hospitalization is necessary, the individual is transported to a hospital as soon as a bed becomes available. Individuals charged with substance use/abuse are released to treatment when possible and/or enrolled in drug court.

Bench Warrants- Some suggest that court matters should be resolved instead of converting to bench warrants. The majority of bench warrants are issued due to non-appearance. However, it should be noted that non-appearance does not result in immediate Bench Warrant. The Court issues an Order to Show Cause, allowing the individual an opportunity to appear and explain why they did not appear for the scheduled hearing. If an individual does not appear for the Show Cause hearing, then a Bench Warrant is issued to bring the individual to the Court so the case can be resolved.

Some suggest using electronic and automatic court reminder programs to minimize missed court appearances and the resulting Bench Warrants. This Court does utilize a program to email and/or text reminders of upcoming court dates to defendants that have voluntarily opted to utilize the service.

Some also suggest creating a Bench Warrant clearing process to encourage defendants to appear in court without fear of jail, etc. This Court has previously offered amnesty days for this purpose, but had limited appearance/results.